

NOTICE OF INVESTIGATION AND EMERGENCY HEARING
D.T.E. 02-14

The Department of Telecommunications and Energy (A~~Department~~@), on its own motion, and pursuant to its authority under G.L. c. 159, ' ' 12 and 16, votes to open an investigation into the regulations, practices, equipment, appliances and service of Broadview Networks, Inc. (A~~Broadview~~@). Consistent with the requirements of Section 16, the Department will hold a hearing in this investigation on February 19, 2002. In this investigation, the Department will determine whether the regulations, practices, equipment, appliances, and service of Broadview are unjust, unreasonable, unsafe, improper, or inadequate. See G.L. c. 159, ' 16. The Department will determine the just, reasonable, safe, adequate, and proper regulations and practices to be observed, and will fix and prescribe the same by Order. Before making such an Order, the Department will consider, but not limit itself to, the following: the relative importance and necessity of the changes ordered; the financial ability of Broadview to comply with the requirements of the Order; and the effect of the carrier's compliance with the Order on its financial ability to make such other changes, if any, as may be deemed by the Department of equal or greater importance and necessity in the performance of the service which the carrier has professed to render to the public. See id.

Net2000 Communications Services, Inc. (A~~Net2000~~"), a telecommunications carrier serving business customers in Massachusetts, filed for chapter 11 bankruptcy protection on November 16, 2001. Broadview began serving the former customers of Net2000 on or about January 21, 2002. Broadview is serving the Net2000 customers via Net2000 switches, which, the Department has reason to believe, Broadview may intend to shut down on February 25, 2002. Broadview has informed the Net2000 customers that they must sign up with Broadview or find an alternate carrier before that date.

Numerous business customers have contacted the Department to complain that they are unable to effect a transfer of service to a new telecommunications service provider of their choice by February 25, 2002, and are at risk of losing service for days, weeks, or possibly longer, and are incurring substantial economic hardship as a result. Because the business customers served via the Net2000 switches include medical centers and nursing homes, shutting down the Net2000 switches on February 25, 2002 may jeopardize the health and welfare of citizens of the Commonwealth; therefore, the Department finds that a short notice period for the hearing scheduled in this Order is reasonable and consistent with the public interest pursuant to 220 C.M.R 1.06(5)(c).

The Department invites all interested persons who are substantially and specifically affected by the issues under investigation to petition to intervene in this proceeding. Written petitions to intervene in this docket must be filed with the Secretary of the Department at the following address by 10:00 a.m. on Tuesday, February 19, 2002:

Mary L. Cottrell, Secretary
RE: D.T.E. 02-14
Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02110

In addition, all petitions to intervene are to be submitted via electronic mail to Paula.Foley@state.ma.us and dte.efiling@state.ma.us. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. ' 1.03. Receipt by the Department - not mailing - constitutes filing and determines whether a petition has been timely filed. To be allowed, a petition under 220 C.M.R. ' 1.03(1) must satisfy the standing requirements of G.L. c. 30A, ' 10.

An investigatory hearing will be held on **Tuesday, February 19, 2002, at 10:00 a.m.** at the Department's offices at One South Station, Boston, Massachusetts, 02110. Immediately preceding the investigatory hearing, the Department will hold a public hearing and procedural conference.

Members of the public are invited to attend and express their views.

By Order of the Department,

_____/s/_____
MARY L. COTTRELL, SECRETARY